

Planning & Development Committee
August 25, 2009
MINUTES

PRESENT: President Jeff Buettner; Mayor Elizabeth Minor; Vice-President Art Major; Councilor Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham (8)

ABSENT: Vice-Mayor Michael Butler (1)

President Buettner called the meeting to order at 5:30 p.m.

Approval of Minutes – Mayor Minor moved to approve the minutes of the July 28, 2009 meeting. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

Items for Discussion -

a. Ward 1

- i. **CU-09-147** Request of Stephanie Levenson on behalf of Sweet Caroline's of Winchester, LLC for a conditional use permit for nightclub use at 29 West Cork Street (*Map Number 193-01-F-22*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

Zoning Administrator Vince Diem stated the applicant is seeking re-approval for a previous Conditional Use Permit for nightclub use. The CUP was most recently approved in 2008 under the previous owner. Since then, a change in ownership has occurred which requires re-approval under the conditions placed by Council.

Vice-President Major asked how the neighbor's concern regarding band busses will be addressed. Mr. Diem stated staff has looked into this and is considering the removal of a parking meter on Cork Street because of the poor line of sight.

Councilor Willingham moved to send the request forward to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- ii. **CU-09-151** Request of Oakcrest Properties, LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 163-165 North Loudoun Street (*Map Number 173-01-F-17*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

City Planner Will Moore stated the request is to convert a ground floor portion of the rear of the property to residential use. He presented the current and proposed street elevations which has already received Board of Architectural Review approval. He also presented the proposed floor plan for the residential use.

Mayor Minor moved to send the request forward to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

b. Ward 4

- i. **CU-09-150** Request of Oak Hill Rental Properties, LLC for a conditional use permit for extended stay lodging at 2011 Valley Avenue (Map Number 251-01-6) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay.

Planning Director Tim Youmans provided a description of the property, the surrounding area, and the current zoning. He stated the request is to convert all of the structures, except the building along Valley Avenue, to extended stay lodging. The building along Valley Avenue will be removed under the proposal. Mr. Youmans presented the floor plans for the individual units and the manager's unit. Restrictions should be applied for overcrowding purposes due to the size of the units. However, the applicant has requested relief of the restrictions for some of the units. The conditions will reduce the likelihood of children living in the area as residents. The applicant has agreed to an onsite manager and has provided a draft copy of the managerial duties. Mr. Youmans provided a 12 month summary of police reports for the property. The Planning Commission did not restrict the CUP to the current applicant.

Councilor Veach asked what measures will be taken to reduce the number of police calls. Mr. Youmans stated the applicant has looked into the calls and has determined that most were from CCAP using the building along Valley Avenue. It is not intended for the property to be a permanent residence.

Vice-President Major stated most of the CUPs seen are for nightclub use. He would like to see the same condition applied to nightclubs regarding the number of police calls to provide a mechanism to revisit and control it. Mr. Youmans stated Council can apply any condition it wishes.

Jim Vickers stated he acquired the property in August of 2001 to expand his office property on Valley Avenue but has since relocated his entire operation downtown. However, he still believes redevelopment needs to be done there. He is currently upgrading the units to make a much better situation. He has redrafted the lease agreement to provide more flexibility to move people out

if there are problems. He will also be providing day and night monitoring with an on-site manager.

President Buettner requested a mechanism be put in place to notify the property owner if the number of police calls reaches a certain number. Mr. Diem stated direction can be given to staff to send correspondence to the property owner once the number of calls reaches a set limit and add to that condition that review by council could be required is it reaches a higher number.

Vice-President Major moved to include a condition that when 4 valid criminal offense police calls to the property is reached in a 30 day period the property owner will be notified by the City. When 8 calls are reached, a mandatory review by City Council will be triggered. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Councilor Willingham moved to send the request forward to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

c. All Wards

i. **TA-09-87 AN ORDINANCE TO AMEND SECTION 18-1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CERTIFICATES OF OCCUPANCY FOR BUSINESSES AND HOME OCCUPATIONS**

Mr. Diem stated the text amendment is intended to resolve a current issue with owners failing to remit payment for assessments or tax related fees.

Vice-President Major asked if the wrong person would be penalized when a renter begins a home business but the property owner is late on his taxes. Mr. Diem stated the renter could be impacted. He suggested implementing a temporary certificate while notification is sent to the property owner stating a permanent certificate cannot be issued until the taxes are paid.

Vice-President Major motioned to move forward with direction to add language to address the concerns. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Councilor Willingham moved to send the text amendment forward to Council. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

ii. **TA-09-204 AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE FLOODPLAIN DISTRICTS**

Utilities Director Perry Eisenach stated the text amendment is to meet a requirement of FEMA that the City's ordinance match their language word for word. It does not change anything except the language.

Vice-President Major moved to send the text amendment forward to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

iii. **TA-09-89 AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MINIMUM REQUIRED OFF-STREET PARKING**

Mr. Diem stated the text amendment deals with the entire section of off street parking instead of one section. Three items proposed to change are for change of use within existing structures. Administrative reductions and waivers of required off street parking can also be made available.

Mr. Youmans stated this is the largest Zoning ordinance change with impact in over 21 years. However, it will allow a lot of properties to be considered for different uses that could not be considered before. He provided a brief summary of the changes.

Councilor Willingham moved to send the text amendment forward to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Other Items

- a. Economic Redevelopment Updates – Jim Deskins
 - i. Discussion on AN ORDINANCE TO AUTHORIZE THE ALLOCATION OF FUNDS AND ACQUISITION OF A PORTION OF PROPERTY LOCATED AT 1675 SOUTH PLEASANT VALLEY ROAD IN FURTHERANCE OF THE SPRING STREET CONNECTION PROJECT

Economic Redevelopment Director Jim Deskins stated the purpose of the ordinance is to extend and connect Spring Street to Pleasant Valley Road.

Councilor Willingham moved to send the ordinance forward to Council. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

- b. Motion to send forward for approval the 2008 Consolidated Annual Performance Evaluation Report (CAPER) – Martha Shickle, Northern Shenandoah Valley Regional Commission

Ms. Shickle presented a summary of the items completed in the draft report. She stated a majority of the home funds did not go to the city but it did help the region.

Vice-President Major moved to send the CAPER forward to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

- c. Pending Appointments for Boards and Commissions

- i. Motion to send forward the nomination of _____ as a member of the Old Town Development Board.

Councilor Clark moved to nominate David Spence to be appointed as a member of the Old Town Development Board and to nominate Marilyn Finnemore and David Smith to be re-appointed as members of the Old Town Development Board. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

- d. MOTION TO CONVENE IN EXECUTIVE SESSION FOR DISCUSSION OF ACQUISITION OF REAL ESTATE AS DESCRIBED IN §2.2-3711(A)(3) OF THE CODE OF VIRGINIA

Vice-President Major moved to convene into executive session. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Councilor Clark moved to reconvene in open session at 7:10 p.m. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

MEMBER	VOTE
Vice-Mayor Butler	absent
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

Adjourn

With nothing further to discuss, the meeting adjourned at 7:11 p.m.